IN THE PARSI CHIEF MATRIMONIAL COURT AT BOMBAY

SUIT NO. 30 OF 2005

Neville Phiroze Mistry,
At C-42, Cusrow Baug, Colaba Causeway,
Mumbai - 400 039. ... Plaintiff No.1

And

Rashna Neville Mistry,
Presently residing at -
C/o. Mrs. Sheroo Contractor,
Munshi Chambers, 5th floor,
3rd Pasta Lane, Colaba,
Mumbai - 400 005.

And having address at -
C-42, Cusrow Baug, Colaba Causeway,
Mumbai - 400 039. ... Plaintiff No.2

Mr. R.H. Mehta for the plaintiffs.

Plaintiff Nos. 1 & 2 present in person in Court.

CORAM: P.V. KAKADE, J.

DATED: 29TH NOV., 2005

P.C.:

1. This suit is for dissolution of marriage between the plaintiff No.1 and plaintiff No.2 which was solemnized on 24.11.1980 and the matter is filed for decree of divorce by mutual consent as contemplated under Sec. 32-B of the Parsi Marriage & Divorce Act, 1936

2. The parties to the suit have averred that due to

irreconcilable, irretrievable differences and temperamental break down of their marriage, the plaintiffs can no longer continue their marriage and they have agreed and decided to have marriage dissolved under Sec. 32-B of the said Act.

It is also revealed from the record that there are two daughters begotten of the marriage and they are duly provided to by both parties including their residence in the premises. The arrangement in respect of the premises is to the effect that though they have exchanged their belongings and jewellery and have no claims of any nature of whatsoever against each other, however, they have agreed to mutually but separately use, possess, occupy, reside and cohabit in the same residential premises now occupied by them and have also agreed that both daughters shall continue to remain and stay in the said house. I am also satisfied that there is neither any force nor coercion on both parties to sign the consent terms and, therefore, they have agreed that both of them have signed the consent terms of their own volition. They are also residing separately for the statutory period. In view of these aspects, I am satisfied that the conditions prescribed by virtue of Sec.32-B of the said Act are fulfilled and, therefore,

there is no reason why the decree for dissolution of marriage should not be passed.

3. Under the circumstances, the suit stands decreed in terms of prayer clauses (a) & (b) of the plaint and stands disposed of with no order as to costs.

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